



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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## MEMORANDUM

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Date	Action Requested
January 24, 2005	Provide Feedback as Desired
To	Deadline
All Parties Interested in Reviewing Dependency Representation, Administration, Funding and Training (DRAFT) Pilot Program Materials	n/a
From	Contact
Ms. Leah Wilson DRAFT Program Manager	Ms. Leah Wilson 415-865-7977 phone 415-865-7217 fax leah.wilson@jud.ca.gov
Subject	
Materials for Review and Comment	

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The DRAFT pilot program is underway in ten participating court systems.<sup>1</sup> The purpose of this memo is to provide a brief update on the status of the various DRAFT Pilot Program Implementation Committee (Committee) working groups and to outline the materials posted on the Center for Families, Children and the Court's website for your review.

Posted with this memorandum are interim Committee working group products; it is important to emphasize that none of these documents is presented in final form. Your detailed feedback is requested and desired, and will assist the Committee in making recommendations to the Judicial Council.

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<sup>1</sup> Imperial, Los Angeles, Marin, Mendocino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, and Stanislaus.

### *Committee Working Groups*

The Committee is comprised of eight working groups each with a distinct area of focus. An update on these working groups follows:

#### **1. Appellate Issues Working Group**

**Charge:**

Identify mechanisms for ensuring that appropriate trial record is made and/or that all appellate options are preserved; identify mechanisms for improving writ process as defined by: increased number of writs filed on appropriate cases and improved writ quality.

**Activities July 1 – December 31, 2004:**

- Developing trial and appellate practitioner and appellate project surveys regarding writ process and quality, to be distributed in February 2005.

#### **2. Attorney Performance Working Group**

**Charge:**

Develop recommended standards and guidelines addressing the following areas: attorney performance and initial qualification and on-going training requirements. Develop tools for assessing attorney compliance with proposed practice guidelines.

**Activities July 1 – December 31, 2004:**

- Developed proposed attorney practice guidelines to be used in attorney training curriculum development and dependency counsel contracts (Attachment 1).

#### **3. Billing System Working Group**

**Charge:**

Develop proposed specifications, format and process for DRAFT attorney invoicing; develop specifications for automated billing system.

**Activities July 1 – December 31, 2004:**

- Developed proposed billing forms to be used by all providers, regardless of payment structure (Attachments 2,3,4 and 5). The forms are described in detail below to assist in your review:

In-Court Form. This form would be used to record in-court time for all court-appointed dependency cases each month. This form would not require attorneys to report case-specific in-court time; instead it allows attorneys to aggregate daily in-court time with a corresponding list of case numbers and hearing types for each day (Attachment 2).

Out-of-Court Form. This form would be used to record out-of-court time for all court-appointed dependency cases each month. This form would require attorneys to track

information about the amount of time spent on specified tasks for each case and would also require attorneys to identify case phases. The proposed lists of tasks and phases are simplified versions of those developed for the workload study component of the Dependency Counsel Caseload Study; they reflect a minimum level of data reporting needed to understand the work of dependency counsel statewide and provide sufficient information to advocate for future funding resources (Attachment 3).

Expense Reimbursement Form for Contract Providers. This form would be used to request reimbursement for extraordinary expenses specifically excluded by contract, such as out-of-state travel and expert witnesses (Attachment 4).

Expense Reimbursement Form for Hourly Providers. This form would be used to request reimbursement for agreed-upon expenses incurred by providers compensated on an hourly basis (Attachment 5).

#### **4. Compensation and Organizational Models Working Group**

**Charge:**

Develop proposed standardized compensation levels for solo and organizational providers, including promotional opportunities, benefits, overhead, and malpractice insurance.

**Activities July 1 – December 31, 2004:**

- Developing proposed regions for development of standardized regional rates. It is proposed that these regions be based upon an analysis of:
  - 2000 United States Census Household Income Data;
  - 2000 United States Census Median Home Value Data;
  - County Counsel Salaries; and
  - 2002 Cost-of-Labor Study Conducted for the Superior Courts of California

#### **5. Conflicts and Ethics Working Group**

**Charge:**

Identify and suggest solutions for conflict/ethical issues associated with dependency practice generally and DRAFT issues specifically.

**Activities July 1 – December 31, 2004:**

- Developed proposed conflicts rule regarding representation of minors (Attachment 6).

**6. Cost Recovery Working Group**

**Charge:**

Identify court-appointed counsel cost recovery models for piloted implementation in two DRAFT-pilot participating courts; develop evaluation plan for assessing costs and benefits of this effort.

**Activities July 1 – December 31, 2004:**

- Developed two proposed cost recovery models for piloted implementation: Low-Flat Fee and Fee-for-Service (Attachments 7 and 8).

**7. DRAFT Outcome and Process Evaluation Working Group**

**Charge:**

Identify variables to be measured for DRAFT pilot program evaluation, including: 1) evaluation of impact of reduced attorney caseloads and standardized rate structures; 2) evaluation of impact of service delivery models/organizational structures on attorney performance; and 3) evaluation of the AOC as a court-appointed counsel administrator.

**Activities July 1 – December 31, 2004:**

- Developing evaluation criteria and models.

**8. Technical Assistance**

**Charge:**

Develop proposed models for provision of case-specific technical assistance.

**Activities July 1 – November 30, 2004:**

- Developed list of subject matter areas for technical assistance focus and creating inventory of currently available technical assistance providers.

*Request for Proposals (RFPs)*

Concurrently with the efforts of the eight Committee working groups, DRAFT pilot program staff has worked with staff and judicial officers representing a number of pilot-program participating courts to develop RFPs for dependency counsel services.

RFPs have been issued on behalf of three courts to date; these courts are:

- San Diego
- Santa Barbara
- Stanislaus

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The Santa Barbara and Stanislaus RFP's have closed; the San Diego RFP is currently open. All three RFPs can be found at: <http://www.courtinfo.ca.gov/reference/rfp/>.

*Request for Comment*

There are a total of eight attachments to this memorandum. Please review each of these documents and provide feedback and suggestions as desired, addressing, for example, each attachment's content, form and viability. Of course you are also free to provide feedback regarding any of the information contained in this memorandum or regarding the DRAFT pilot program generally. The materials for your review are quite voluminous; I thank you in advance for taking the time to provide critical input into their development.